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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/760,005 | 01/16/2004 | Linda L. Dunbar | R0406-00010 | 8663 |
| 7590 | 04/21/2006 | | EXAMINER | |
| Howard Chen PRESTON GATES & ELLIS LLP 55 Second Street, Suite 1700 San Francisco, CA 94105 | | | TRAN, QUOC DUC | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2614 | |
| DATE MAILED: 04/21/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/760,005 | DUNBAR, LINDA L. | |
| | Examiner | Art Unit | |
| | Quoc D. Tran | 2614 | |

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 January 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16, 18, 19, 21 and 22 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-16, 18, 19, 21 and 22 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 5-7, 9-12, 14-16 and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Chong (6,873,685).

Consider claim 1, Chong teaches a telecommunication multi-service transport system comprising: at least one service card providing a predetermined telecommunication service (col. 2 line 45); and at least one protection card for replacing the service card when the service card fails (col. 2 line 46), the protection card further comprising: one or more test ports connectable to an external testing tool (col. 3 lines 1-5); one or more protection circuits; and at least one selection module associated with the test ports for allowing the testing tool to be connected to the protection circuits through at least one test port for testing the service card when the protection card is in a standby mode and for disconnecting the testing tool from the protection circuits when the service card fails (col. 6 lines 1-5, lines 33-50).

Consider claim 2, Chong teaches wherein the switch module uses a service port of the protection card to communicate with the service card for testing purposes (col. 6 lines 1-5).

Consider claim 5, Chong teaches the telecommunication multi-service transport system further comprising means for enabling the test ports when the protection card is inserted in a protection slot of the telecommunication multi-service transport system (col. 9 lines 5-24).

Consider claim 6, Chong teaches wherein the test ports are located on the front side thereof (col. 5 lines 19-45).

Consider claim 7, Chong teaches a multi-service transport platform (MSTP) comprising: at least one working card slot receiving a service card, the service card having at least one service port carrying data traffic (col. 2 line 45); and at least one protection card slot receiving a protection card for replacing functions provided by the service card when the service card fails (col. 2 line 46), the protection card further comprising: at least one test port connectable to an external testing tool; one or more protection circuits connectable to the service port of the service card and connectable to the testing tool through the test port; and a relay module associated with the test port allowing the testing tool to be connected to the protection circuits and in communication with the service card when the protection card is in a standby mode for testing the service card (col. 6 lines 1-5, lines 33-50).

Consider claim 9, Chong teaches wherein the test port is accessible from the front side of the MSTP (col. 5 lines 19-45).

Consider claim 10, Chong teaches wherein the testing tool connected to the relay module communicates with the service card through at least one service port of the protection card (col. 8 lines 11-22).

Consider claim 11, Chong teaches the MSTP further comprising means for enabling the test port when the protection card is inserted in the protection slot of the telecommunication equipment (col. 9 lines 5-24).

Consider claim 12, Chong teaches a protection card used in a multi-service provisioning platform (MSTP) comprising: at least one test port connectable to an external testing tool; one or more protection circuits connectable to a service port of a service card of the MSTP and connectable to the testing tool through the test port; and a relay module associated with the test port allowing the testing tool to be connected to the protection circuits for testing the service card by accessing the service port of the service card through a service port of the protection card when the protection card is in a standby mode (col. 6 lines 1-5, lines 33-50); wherein the protection card replaces the service card when testing indicates that the service card fails (col. 6 lines 38-50).

Consider claim 14, Chong teaches wherein the test port is accessible from the front side of the MSTP (col. 5 lines 19-45).

Consider claim 15, Chong teaches wherein the test port is a Weco port (col. 5 lines 25-32).

Consider claim 16, Chong teaches a method for testing a service card in a multi-service transport platform (MSTP) carrying data traffic, the method comprising: connecting an external testing tool to at least one test port of at least one protection card of the MSTP; connecting the external testing tool to one or more protection circuits of the protection card through the test port; and accessing the service card by the external testing tool through at least one service port of the protection card for testing the service card (col. 6 lines 1-5, lines 33-50); detecting the protection

card is in a standby mode (col. 2 line 46) and disconnecting the protection circuits from the test port when the service card fails and needs the protection card to perform its functions (col. 6 lines 38-50).

Consider claim 21, Chong teaches the method further comprising enabling the protection card when placed in at least one protection card slot of the MSTP (col. 9 lines 5-24).

Consider claim 22, Chong teaches wherein the connecting an external testing tool to at least one test port further includes connecting the external testing tool to the test port located on the front side of the MSTP (col. 5 lines 19-45).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-4, 8, 13 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chong (6,873,685) in view of Patenaude (2004/0076166).

Consider claims 3, 8, 13 and 18, Chong did not suggest wherein the service card is a DS3 or DS1 line card. However, Patenaude suggested such (¶ 0014). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to replace DSL line cards with DS1 or DS3 line cards in order for improving services in different network environment.

Consider claims 4 and 19, Chong did not suggest wherein the protection circuits include a DS3 framer and an LIU. However, Patenaude suggested such (¶ 0014). Therefore, it would

have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporating the teaching of Patenaude into view of Chong in order for improving services in different network environment.

Response to Arguments

5. Applicant's arguments filed 1/25/2006 have been fully considered but they are not persuasive.

In response to applicant argument on page 8 that Chong does not suggest of protection card that replace the service card when the service card fails. Accordingly, the examiner respectfully disagrees with applicant argument. Chong clearly disclosed of line cards and modem cards (i.e., service cards) having corresponding redundancy card (i.e., protection card) that is placed in service when the line card or modem cards fails (see col. 6 lines 38-50 and col. 7 lines 7-13). This clearly suggest applicant claimed feature.

In response to applicant argument on pages 9-10 that nowhere in Chong suggesting that the test and switching unit can be replace the line card when they fail and that the test and switching unit cannot reasonably replace the line card. Accordingly, the examiner agrees with applicant that Chong does not disclose such. Chong on the other hand teaches a plurality of line cards or modem cards that includes active cards and redundancy cards (i.e., backup cards, standby cards or protection cards). When an active card failed, a redundancy card replaces the failed card and assumes the failed card functionality. Chong used the test and switching to test the active card and send command to switchover to the redundancy card when test indicated that the active card is faulty. Applicant claimed features are direct to a service card (i.e., active card) and protection card (i.e., backup, standby or redundancy card) that is in standby mode. When the

service card fails, the protection card replaces the service card. This is clearly disclosed in Chong. Therefore, applicant claims as presented clearly anticipated by Chong.

Important Notice

6. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to ***Group Art Unit 2614***.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and Friday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QUCOCTRAN
PRIMARY EXAMINER

AU 2614
April 11, 2006